

AGENDA MEMO

CITY COUNCIL MEETING DATE: JANUARY 7, 2009

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: EOT-31350 – EXTENSION OF TIME – VARIANCE -

APPLICANT/OWNER: VERGE LIVING CORPORATION

**** CONDITIONS ****

STAFF RECOMMENDATION: **APPROVAL**, subject to:

Planning and Development

1. Variance (VAR-8651) shall expire on November 2, 2010 unless another Extension of Time is approved by City Council.
2. Conformance to the Conditions of Approval for Variance (VAR-8651) and all other related actions as required by the Planning and Development Department and Department of Public Works.

**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for an Extension of Time of an approved Variance (VAR-8651) to allow no step back where a 1:1 step back ratio is required above 35 feet on 2.87 acres adjacent to the northeast corner of Main Street and Bonanza Road.

It is noted that there are three (3) related Extension of Times (EOT-31907; EOT-31906; and EOT-32355) that will be heard concurrently with this application.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
04/06/60	The Board of City Commissioners approved a request for Rezoning (Z-0011-60) for lots 1-8, inclusive of block 4- Biltmore Addition from C-2 (General Commercial) to R-2 (Low Density Residential). The Planning Commission recommended approval on 03/22/60.
05/05/65	The Board of City Commissioners approved a request for Rezoning (Z-0019-65) from R-2 (Low Density Residential) to C-2 (General Commercial) of property generally located on the northwest corner of Bonanza Road and First Street. The Planning Commission recommended approval on 04/27/65.
07/16/69	The Board of City Commissioners approved a request for Rezoning (Z-0042-69) from C-2 (General Commercial) to C-M (Commercial/Industrial) of property generally located on the northeast corner of Main Street and Bonanza Road. The Planning Commission recommended approval on 07/10/69.
11/15/01	The Planning Commission accepted the applicant's request to Withdraw Without Prejudice a request to Amend the Downtown Redevelopment Plan (GPA-0042-01) from R-2 (Low Density Residential) to Tourist Commercial on 1.27 acres adjacent to the northwest corner of First Street and Bonanza Road.
11/20/02	The City Council approved a request for a Rezoning (Z-0046-02) from R-2 (Low Density Residential) and C-M (Commercial/Industrial) to C-1 (Limited Commercial) on 2.87 acres adjacent to the northeast corner of Main Street and Bonanza Road. The Planning Commission recommended approval on 10/24/02.

11/20/02	The City Council approved a request for a Site Development Plan Review [Z-0046-02(1)] and a reduction of the on-site landscape requirements for a 326-unit multi-family senior apartment complex with 20,000 square feet of commercial development on 2.87 acres adjacent to the northeast corner of Main Street and Bonanza Road. The Planning Commission recommended approval on 10/24/02.
11/20/02	The City Council approved a request for a Variance (V-0072-02) to allow lot coverage in excess of 50 percent for a senior apartment complex on 2.87 acres adjacent to the northeast corner of Main Street and Bonanza Road. The Planning Commission recommended approval on 10/24/02.
11/20/02	The City Council approved a request for a Special Use Permit (U-0114-02) for a multi-family senior apartment complex on 2.87 acres adjacent to the northeast corner of Main Street and Bonanza Road. The Planning Commission recommended approval on 10/24/02.
02/05/04	A Code Enforcement case (9611) was processed for abandoned vehicles on a lot at 604 North Main Street. The case was closed on 02/09/04.
04/08/04	A Code Enforcement case (12360) was processed for debris on a vacant lot at 604 North Main Street. The case was closed on 04/22/04.
05/26/04	A Code Enforcement case (15615) was processed for high weeds and junk/abandoned vehicles on a vacant lot at 701 North First Street. The case was closed on 06/16/04.
05/26/04	A Code Enforcement case (15618) was processed for abandoned vehicles, high weeds, and refuse/waste on a vacant lot at 703 North First Street. The case was closed on 06/16/04.
05/26/04	A Code Enforcement case (15617) was processed for abandoned vehicles on a vacant lot at 705 North First Street. The case was closed on 06/10/04.
11/17/04	The City Council approved a request for an Extension of Time (EOT-5402) of an approved Rezoning (Z-0046-02) from R-2 (Low Density Residential) and C-M (Commercial/Industrial) to C-1 (Limited Commercial) on 2.87 acres adjacent to the northeast corner of Main Street and Bonanza Road.
11/17/04	The City Council approved a request for an Extension of Time (EOT-5403) of an approved Site Development Plan Review [Z-0046-02(1)] and a reduction of the on-site landscape requirements for a 326-unit multi-family senior apartment complex with 20,000 square feet of commercial development on 2.87 acres adjacent to the northeast corner of Main Street and Bonanza Road.
11/17/04	The City Council approved a request an Extension of Time (EOT-5404) of an approved Special Use Permit (U-0114-02) for a multi-family senior apartment complex on 2.87 acres adjacent to the northeast corner of Main Street and Bonanza Road.
03/17/05	A Code Enforcement case (27395) was processed for an abandoned motor home on a vacant lot at 705 North First Street. The case was closed on 06/22/05.

10/31/05	A Code Enforcement case (35777) was processed for high vegetation on a vacant lot located at 604 North Main Street. The case was closed on 02/23/06.
11/02/05	The City Council approved a request for a Site Development Plan Review (SDR-8649) for a mixed-use development with 296 residential units and 34,700 square feet of commercial space and a waiver in building placement; street and foundation landscape standards; front, corner-side, and rear yard setback requirements; and to allow a 241-foot Residential Adjacency Setback where 249 feet from residential property is required on 2.87 acres adjacent to the northeast corner of Main Street and Bonanza Road. The Planning Commission recommended approval on 10/06/05.
11/02/05	The City Council approved a request for a Variance (VAR-8651) to allow no step back where a 1:1 step back ratio is required above 35 feet on 2.87 acres adjacent to the northeast corner of Main Street and Bonanza Road. The Planning Commission recommended approval on 10/06/05.
11/02/05	The City Council approved a request for a Special Use Permit (SUP-8814) for a proposed mixed-use commercial and residential development adjacent to the northeast corner of Main Street and Bonanza Road. The Planning Commission recommended approval on 10/06/05.
11/17/05	A Code Enforcement case (36307) was processed for broken down vehicles on an abandoned lot at 701 North First Street. The case was closed on 01/25/06.
03/15/06	A Code Enforcement case (39278) was processed for a vacant office building being used to house vagrants at 601 North Main Street. The case was closed on 03/20/06.
06/26/06	A Code Enforcement case (43765) was processed for abandoned vehicles on a vacant lot at 705 North First Street. The case was closed on 07/03/06.
07/03/06	A Code Enforcement case (44023) was processed for wrecked vehicles on a lot may be a repair business without a license. The case was closed on 07/24/06.
07/10/06	A Code Enforcement case (44266) was processed for abandoned vehicles on a vacant lot at 625 North First Street. The case was closed on 07/15/06.
08/24/06	The Planning Commission approved a request for a Tentative Map (TMP-1504) for a mixed-use subdivision consisting of 296 residential condominium units and one commercial lot on 2.47 acres at the northeast corner of Main Street and Bonanza Road.
09/20/06	The City Council approved a request for an Extension of Time (EOT-15724) of an approved Rezoning (Z-0046-02) from R-2 (Low Density Residential) and C-M (Commercial/Industrial) to C-1 (Limited Commercial) on 2.87 acres adjacent to the northeast corner of Main Street and Bonanza Road.

01/17/07	The City Council approved a request for a Major Modification (SDR-18025) to an approved Site Development Plan Review (SDR-8649) for a proposed addition of a 2,600 square-foot restaurant; an addition of 40 feet in height of an approved mixed-use development; and to allow a Residential Adjacency Setback of 57 feet where 375 feet is the minimum required on 2.87 acres at the northeast corner of Main Street and Bonanza Road. The Planning Commission recommended approval on 12/21/06.
01/17/07	The City Council approved a request for a Review of Condition (ROC-18046) Number 3 of an approved Rezoning (Z-0046-02) to allow a radius of 30 feet where 54 feet was required on the northwest corner of Bonanza Road and Main Street.
04/06/07	A Temporary Commercial Permit (TCP-21080) was approved and issued to allow a barbecue for the reserved guests of Verge Living Corporation for the proposed mixed-use project. The event took place in the parking lot on the southeast corner of Bonanza Road and Main Street. The permit was valid until 04/08/07.
06/11/07	The Planning and Development Department and Department of Public Works administratively denied a request for a Final Map Technical Review (FMP-21862), subject to conditions that will be incorporated into a revised Final Map blue line submittal.
09/19/07	The City Council approved a request for an Extension of Time (EOT-23631) of an approved Special Use Permit (SUP-8814) for a proposed mixed-use commercial and residential development adjacent to the northeast corner of Main Street and Bonanza Road.
12/11/07	A Temporary Commercial Permit (TCP-9016) was issued for a sales event at 604 North Main Street. The permit was valid until 12/12/07.
12/19/07	The City Council approved a request for an Extension of Time (EOT-25466) of an approved Site Development Plan Review (SDR-8649) for a mixed-use development with 296 residential units and 34,700 square feet of commercial space and a waiver in building placement; street and foundation landscape standards; front, corner-side, and rear yard setback requirements; and to allow a 241-foot Residential Adjacency Setback where 249 feet from residential property is required on 2.87 acres adjacent to the northeast corner of Main Street and Bonanza Road.
12/19/07	The City Council approved a request for an Extension of Time (EOT-25467) of an approved Variance (VAR-8651) to allow no step back where a 1:1 step back ratio is required above 35 feet on 2.87 acres adjacent to the northeast corner of Main Street and Bonanza Road.
02/20/08	A Code Enforcement case (62529) was processed for a fence blown down over a week ago on the lot at the corner of First Street and Bonanza Road. The case was closed on 03/06/08.

08/19/08	A Code Enforcement case (68883) was processed for carpet that was removed from the building being left outside and on the street for over two weeks. The case was closed on 08/21/08.
<i>Related Building Permits/Business Licenses</i>	
07/23/07	A building permit (94440) was issued for the demolition of a 3,000 square-foot building at 703 North First Street.
05/14/08	A building permit (0115185) was issued to install a meter and main disconnect on permitted modular at 604 North main Street. The permit was finalized on 11/10/08.
<i>Pre-Application Meeting</i>	
A pre-application meeting is not required for this type of application, nor was one held.	
<i>Neighborhood Meeting</i>	
A neighborhood meeting is not required for this type of application, nor was one held.	

<i>Details of Application Request</i>	
<i>Site Area</i>	
Gross Acres	2.87

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Vacant Land- Proposed Mixed- Use Development	MXU (Mixed-Use)	C-M (Commercial/Industrial) and R-2 (Low Density Residential)- both with a Resolution of Intent to C-1 (Limited Commercial)
North	Vacant Land	MXU (Mixed-Use)	C-M (Commercial/Industrial) with a Resolution of Intent to C-1 (Limited Commercial)
	Proposed Mixed Use Development	MXU (Mixed-Use)	R-2 (Low Density Residential) with a Resolution of Intent to C-1 (Limited Commercial)

South	Parking Lot	C (Commercial)	C-M (Commercial/Industrial)
	Single-Family Residential	MXU (Mixed-Use)	R-4 (High Density Residential) with a Resolution of Intent to C-2 (General Commercial)
East	Offices	MXU (Mixed-Use)	C-1 (Limited Commercial)
	Single-Family Residential	MXU (Mixed-Use)	R-1 (Single Family Residential)
West	Retail Establishments	C (Commercial)	M (Industrial)
	Vacant Lot	C (Commercial)	C-M (Commercial/Industrial)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan	X		Y
Las Vegas Redevelopment Plan (Downtown Redevelopment Area)	X		Y

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts	X		Y
A-O (Airport Overlay) District (200 feet)	X		Y
Trails		X	N/A
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

ANALYSIS

This request is for a second Extension of Time of an approved Variance (VAR-8651) to allow no step back where a 1:1 step back ratio is required above 35 feet. Title 19.18.070 deems a Variance exercised when a business license is issued to conduct the activity, if required, or upon the issuance of a certification of occupancy or approval of a final inspection. Thus far, a building permit has been issued for the demolition of a building on the subject property, but no permits have been issued for the construction of the proposed development.

FINDINGS

The Variance (VAR-8651) has not met the requirements outlined in Title 19.18.050 to exercise the entitlement. The previous Extension of Time (EOT-25467) was granted for one-year. The applicant is requesting an additional two-year extension to develop the site according to the submitted plans. Staff is recommending approval with a two-year time limit. Conformance to the conditions of approval of the Variance (VAR-8651) shall be required.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED N/A

ASSEMBLY DISTRICT N/A

SENATE DISTRICT N/A

NOTICES MAILED N/A

APPROVALS 0

PROTESTS 0